an infant had bound himself to the plaintiff to learn the business of an architect and had covenanted not to practice as an architect within a specified area after the termination of his apprenticeship for a certain number of years. The action was tried in the County Court, and the Judge held that the covenant was fair and reasonable and that the deed was for the benefit of the apprentice and that he was bound by the covenant. On appeal to the Divisional Court (Phillimore and Coleridge, L.JJ) it was held that though no action can be brought on a covenant in an apprenticeship deed against an infant, yet that rule only applies during the infancy of the covenantor, and that a covenant made by an infant, when fair and reasonable, may be enforced against the covenantor after he has ceased to be an infant. And it appearing that no architect in the town would accept a person as apprentice who refused to enter into a similar restrictive covenant, the covenant in question was held to be fair and reasonable and therefore enforceable by the injunction.*—Canada Law Journal.

Criminal Law—Admission by Prisoner of Another Offense—Request by Prisoner to Court to Take Other Offense into Account When Passing Sentence.—The King *v.* McLean (1911) 1 K. B. 332 was somewhat unusual in its circumstances. A prisoner was indicted and convicted for housebreaking, and he then requested the Judge in passing sentence to take into account a charge of arson for which he was to be tried in another county and to pass a sentence for both offences. The judge acceded to his request and passed a sentence of 3 years' penal servitude. This was done without consultation with the prosecutors in the other case, which was duly brought on and tried and the prisoner was convicted before another judge, and a sentence of 5 years' penal servitude was passed. On appeal the court (Lord Alverstone, C. J., and Pickford and Avory, JJ.) discussed the practice to be pursued in such a case and came to the conclusion that where a prisoner convicted admits that he is also guilty of another offense of the same character as that for which he has been convicted the court may take both offenses into account in passing sentence, but if there is a committal for the other

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*This is an example of the contracts beneficial to infants which are binding upon them. We seem to have no Virginia or West Virginia decision upon a precisely similar state of facts, but it was held in United States *v.* Blakeney, 3 Gratt. 405, 429, that infants, with the assent of their parent or guardian, may bind themselves to serve as apprentices to learn some useful trade or calling. It would seem to be a necessary corollary from this that a covenant or agreement reasonably required of an infant entering into such a contract of apprenticeship, would be enforceable against him after he becomes of age. See, generally, 7 Va.-W. Va. Enc. Dig., p. 467, et seq.

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offense the judge should ascertain whether the prosecution agrees that he should do so. If the committal is in another county and the prosecution does not consent the judge should leave it to be dealt with in due course, and even if the prosecutors in that case do consent the judge should consider whether or not a separate investigation of the other crime should take place. But where the charge is of a different character in another county, the judge should not take it into consideration at all. In the present case the sentence was reduced to three years to run from the date of the first conviction.*—Canada Law Journal.

*This is a case upon a point of criminal practice on which we have no precedent, so far as a cursory examination shows. The action of the court here has the merit of simplicity and directness and seems commendable. Of course our cases on admissibility of evidence of other crimes (see Evidence, 5 Va.-W. Va. Enc. Dig. 308, et seq.), would not apply where express confession of another crime is made by the accused, for, as said in Schwartz *v.* Com., 27 Gratt. 1025: "A full judicial confession is perhaps sufficient to found the conviction upon in any case." It would also supply the requisite proof of the corpus delicti, as indicated in the case just cited. See also, State *v.* Hall, 31 W. Va. 505, 7 S. E. 422.

It will be noted that in the principle case the plea of the accused that he had been punished for the same offense upon his own confession, in a trial in another court for another offense, was not allowed to prevail, except for the purpose of reducing the punishment. The requirement that the plea of former acquittal or conviction must show that the accused was acquitted or convicted in due form, that is, that there must have been an arraignment or indictment (Bailey's Case, 1 Va. Cases 261. See also, State *v.* Conkle, 16 W. Va. 736), would seem to require this. It is an interesting question how far the state could be held bound by the proceedings in the former trial, assessing punishment for an offense not charged but confessed, without any indictment or arraignment for that offense for which the accused was subsequently tried in another court. It would seem that it could only be so bound by its own consent or acquiescence.

J. F. M.

CORRESPONDENCE.

Collateral Inheritance Tax.

Editor "Virginia Law Register:"

The law on this subject is to be found at page 229, Acts of Assembly, 1910. You will not find it by the index if you look where you would naturally expect to find it. The purpose of this article is to suggest some possible construction of the law whereby it may be executed rationally.

It requires the judge or clerk before whom a personal representative qualifies or a will is probated, to enter an order determining the amount of the tax and giving the name of the person whose duty it is to pay it. One copy of this order goes to the treasurer and